

Application No.: 10/769,532  
Amendment and Response dated January 20, 2006  
Reply to Office Action of July 21, 2005  
Docket No.: 760-251  
Page 3

**Amendments to the Drawings:**

The Examiner objected to the drawings as allegedly being informal. Replacement sheets 1/4 (Fig. 1), 2/4 (Figs. 2 and 3A); 3/4 (Figs. 4A and 4B); and 4/4 (Figs. 3B, 4C and 5) are being submitted as formal drawings in the subject case. No new matter or drawing changes are introduced with these replacement sheets.

Application No.: 10/769,532  
Amendment and Response dated January 20, 2006  
Reply to Office Action of July 21, 2005  
Docket No.: 760-251  
Page 4

**Remarks/Arguments:**

**Introduction**

Claims 1-35 are pending. Claims 22-35 are withdrawn from consideration

**Objections**

The specification at paragraph [0022] has been objected to as not containing the application number of a pending U.S. patent application. The paragraph has been amended to include the requested U.S. patent application number.

**Drawings**

As requested by the Examiner, formal drawings are included herewith as replacement sheets 1/4 to 4/4.

**Section 102 Rejections**

Claims 1-9, 16, 19 and 21 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0103527 to Kocur et al. (hereinafter “Kocur”). Applicants respectfully traverse.

Kocur fails to disclose, *inter alia*, a graft comprising at least one inflatable porous channel and an inflation medium configured to be introduced into the inflatable channel. Kocur describes its channel as being useful for delivery of a biologically active material, but Kocur fails to disclose that its channel is inflatable. Just because a channel, such as the channel of Kocur, is injectable with a fluid, such a feature does not render the channel to be inflatable.

Thus, Kocur fails to disclose the subject invention as presently defined by independent claims 1 and 21. Therefore, reconsideration and withdrawal of the rejection of claims 1 and 21 under 35 U.S.C. §102(b), and all claims dependent therefrom, are respectfully requested.

Application No.: 10/769,532  
Amendment and Response dated January 20, 2006  
Reply to Office Action of July 21, 2005  
Docket No.: 760-251  
Page 5

### **Section 103 Rejections**

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kocur. Claim 20 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kocur in view of U.S. Patent Application No. 2002/0091440 to Calcote (hereinafter “Calcote”). Claims 10, 12-15 and 17-18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kocur in view of U.S. Patent No. 6,051,648 to Rhee et al. (hereinafter “Rhee”). Claims 10-11 and 13-15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kocur in view of U.S. Patent No. 6,663,662 to Pacetti et al. (hereinafter “Pacetti”). Applicants respectfully traverse.

Kocur fails to teach or suggest a graft comprising at least one inflatable porous channel and an inflation medium for the same. Calcote, Rhee and Pacetti, individually or in combination, fail to cure the deficiencies of Kocur.

Thus, Kocur, Calcote, Rhee and Pacetti, individually or in combination, fail to teach or suggest the subject invention as presently defined by independent claims 1 and 21 because the references fail to teach or suggest, individually or in combination, a graft comprising a porous inflation channel. Therefore, reconsideration and withdrawal of all claim rejections under 35 U.S.C. §103(a) are respectfully requested.

### **Summary**

Therefore, Applicants respectfully submit that independent claims 1 and 21, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Application No.: 10/769,532  
Amendment and Response dated January 20, 2006  
Reply to Office Action of July 21, 2005  
Docket No.: 760-251  
Page 6

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,

  
John S. Sopko  
Registration No.: 41,321  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700